

Baker & Hostetler LLP

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Objection Deadline: November 18, 2016
Replies Due: December 2, 2016

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S MOTIONS *IN LIMINE*
NUMBERS 1–4 RELATING TO PROFIT WITHDRAWAL PROCEEDING**

PLEASE TAKE NOTICE that Irving H. Picard, as trustee (“Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* (“SIPA”),¹ and the substantively

¹ See 15 U.S.C. § 78aaa *et seq.* (West 2009). For convenience, subsequent references to sections of the Securities Investor Protection Act shall be denoted simply as “SIPA § ____.”

consolidated estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, for entry of orders relating to the evidentiary hearing on the Trustee’s Motion for an Order Affirming Treatment of Profit Withdrawal Transactions, ECF No. 10660: (1) Trustee’s Motion *in Limine* Number 1 To Exclude the Testimony of Thomas S. Respass, III; (2) Trustee’s Motion *in Limine* Number 2 To Exclude Certain Testimony of Joel and Norman Blum; (3) Trustee’s Motion *in Limine* Number 3 To Exclude Deposition Testimony of Aaron Blecker; and (4) Trustee’s Motion *in Limine* Number 4 to Exclude the Trustee as a Witness (collectively, the “Trustee’s Motions *in Limine* Numbers 1–4”). Proposed orders are attached hereto as Exhibits 1–4.

PLEASE TAKE FURTHER NOTICE that written objections to the Trustee’s Motions *in Limine* Numbers 1–4 must be filed with the Clerk of the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 by no later than **4:00 p.m., on November 18, 2016** (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler, LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq., and (b) the Securities Investor Protection Corporation, 1667 K Street NW, Suite 1000, Washington, D.C. 20006, Attn: Kevin H. Bell, Esq. so as to be received on or before **November 18, 2016**. Any objection must specifically state the interest that the objecting party has in these proceedings and the basis of the objection to the Trustee’s Motions *in Limine* Numbers 1–4.

PLEASE TAKE FURTHER NOTICE that this matter will be heard at a date and time determined by the Court.

PLEASE TAKE FURTHER NOTICE that Notice of the Trustee's Motions *in Limine* Numbers 1–4 will be provided by U.S. Mail, postage prepaid or email to (i) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures, ECF No. 4560; (ii) all parties that have filed a notice of appearance in this case; (iii) the SEC; (iv) the IRS; (v) the United States Attorney for the Southern District of New York; and (vi) SIPC, pursuant to the Order Establishing Notice Procedures, ECF No. 4560. The Trustee submits that no other or further notice is required. In addition, the Trustee's pleadings filed in accordance with the schedule outlined above will be posted to the Trustee's website www.madofftrustee.com and are accessible, without charge, from that site.

Dated: New York, New York
October 28, 2016

Respectfully submitted,

/s/ David J. Sheehan

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LLC and the Estate of Bernard L. Madoff*